



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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**PESTICIDE ADVISORY BOARD MEETING**

**Minutes Summary**

**April 22, 2009**

**Yakima, WA**

**Members Present:**

Bob Arrington, representing the Department of Agriculture  
Mark Burnett, representing the food processing industry  
Michael Christensen, representing licensed pesticide dealer/managers  
Brian Dick, representing the Department of Ecology  
Barry Duerk, representing the agricultural chemical Industry  
Allan Felsot, representing toxicologists in public service  
David Heimer, representing the Department of Fish and Wildlife  
Jim Ossman, representing licensed applicators - ground apparatus  
Allen Smith, representing licensed pest control consultants  
Tim Smith, representing entomologists in public service  
Larry Treleven, representing licensed applicators – structural pest control  
Roger Wesselman, representing producers of crops or products on which pesticides are applied (position 2)

**Members Not Present:**

Trudy Bialic, representing the environmental community (position 2)  
Catherine Daniels, representing Washington State University  
Pamela Edwards, representing the Department of Labor & Industries  
Steve George, representing producers of crops or products on which pesticides are applied (position 1)  
Cynthia Lopez, representing the Department of Health  
Kathryn Olson, representing health care practitioners in private practice  
Stephen Passmore, representing licensed applicators – aerial applicator  
Erika Schreder, representing the environmental community (position 1)  
James Speaks, representing the Department of Natural Resources  
Jose Ramirez, representing agricultural labor  
Dennis Tufts, representing producers of aquacultural products  
Edward Walter, representing licensed applicators - urban landscape

**Interested Parties:**

Mary Kate Evans, Washington State University  
Jim Fitzgerald, Far West Agribusiness Association  
Laurie Mauerman, Department of Agriculture  
Ted Maxwell, Department of Agriculture  
Kirk Mayer, Washington Growers Clearing House

Louis Meissner  
Tito Rodriguez, Department of Health  
Kammeron Todd, Washington Friends of Farms and Forests  
Margaret Tucker, Department of Agriculture  
Cliff Weed, Department of Agriculture  
Ann Wick, Department of Agriculture

**Introduction – Chairman Larry Treleven:**

Chairman Treleven called the meeting to order at 10:15 am. The group introduced themselves.

**January 21, 2009 Meeting Minutes Approved:**

A motion was made and seconded to approve the minutes from the January 21, 2009 Pesticide Advisory Board meeting. Chairman Treleven called for a vote. All were in favor of approving the minutes, none opposed.

**Surface Water Monitoring Update – Ted Maxwell, Department of Agriculture:**

Current funding for the surface water monitoring activities comes from the Model Toxics Control Account (MTCA). It appears that funding will stay at the current level for the next biennium.

**Background**

- Monitoring is targeted to assess pesticide exposure to salmon
- Began sampling in 2003 in the lower Yakima and Cedar-Sammamish (urban)
- Began sampling in the lower Skagit in 2006
- Began sampling in the Wenatchee (Wenatchee/Entiat) area in 2007
- Weekly sampling during the typical use season (March – September)
- Analyze samples for 160 compounds (144 currently registered and degradates and 16 legacy compounds like DDT and Aldrin)

**Assessment Endpoints**

- a. Washington State Water Quality Standards
- b. Environmental Protection Agency (EPA) National Recommended Water Quality Criteria
- c. EPA pesticide registration endpoints
  - i. LC<sub>50</sub> for fish and invertebrates
  - ii. Chronic effects for fish and invertebrates
  - iii. Endangered species level of concern

2008 results – The summary report will be completed August/September.

Thornton Creek – no criteria exceeded

Skagit – No criteria exceeded

Lower Yakima – best year ever. Two samples (one from Spring Creek (downstream site) and one from Sulphur Creek exceeded standards for chlorpyrifos. The samples exceeded the EPA aquatic invertebrate acute/chronic criteria and/or the Washington water quality acute/chronic criteria. The detects were associated with dormant tree fruit use in March.

Entiat – no criteria exceeded

Wenatchee – Endosulfan exceeded EPA aquatic invertebrate chronic criteria and state water quality chronic criteria multiple times.

Staff are currently working with growers and fieldmen through education outreach to address the issue.

**Farmworker Education Program Update – Margaret Tucker, Department of Agriculture:**

Margaret explained that the Farmworker Education Program (FEP) provides a variety of content relevant, pesticide safety training at all levels of agricultural operations. While most of the training is conducted for the tree fruit industry; the program has branched out into other industries the past few years. The update covered types of training, numbers of sessions in 2008 and so far in 2009, and companies who partner with the program. See attached presentation. The board extends their thanks to the FEP team.

**Agency Updates – Brian Dick, Department of Ecology (DOE):**

**Grandview Illegal Dump Site:**

Brian gave a presentation on the illegal dump site found on a farm this March in Grandview, Washington. The site was found through a citizen complaint. EPA, the Department of Agriculture and the Department of Ecology are all investigating. At the time of entry investigators found one open pit containing solid wastes, household hazardous wastes and electronic wastes. Groundwater was visible in the pit at approximately 6' to 8'. Ground Penetrating Radar was used to outline approximately seven additional potential burial pits for excavation. Solid wastes, chemical containers, electronic wastes and automotive-type batteries were present throughout most areas of excavation. Batteries appeared to have been punctured either intentionally or as a result of compaction during burial. The EPA team attempted to sample intact product when possible, however most containers had been impacted by groundwater due to puncturing. Chemical containers pulled from excavation pits to date include approximately 31 five-gallon oil containers, 12 two-gallon pesticide containers, and 65 35-gallon capacity drums – 16 empty, 49 contained liquid, aerosol cans, car batteries, etc. It appears used oil is leaking from pit walls forming black pools on top of the water. Preliminary analytical results indicate petroleum hydrocarbons such as lube oil and diesel; heavy metals – cadmium, chromium, copper, lead, zinc; pesticides – pendamethalin, carbaryl, abamectin, glyphosate; VOCs – toluenes, benzenes, xylenes, naphthalene, including chlorinated compounds; and other flammables and corrosives.

**Current status:**

- EPA is taking the lead on cleanup and investigation.
  - Ecology Hazardous Waste Toxic Reduction Program discussing separate enforcement action.
  - Other possible sites on the same property.
- Ecology currently waiting for final analytical results.
- EPA likely to be back onsite in early May.
- Media presence appears to have increased public awareness of farm-generated hazardous wastes.

- Department of Agriculture and County Moderate Risk Waste facility report increased participation in pesticide and hazardous waste disposal programs.
  - Agencies will continue to highlight the free options for used oil disposal, pesticide disposal, container recycling, and electronic recycling.
- Concerned citizens have reported other dump sites.

**Pesticide Container Recycling Program:**

- A busy winter and spring '09 for FarWest and the promotion of the pesticide container recycling program.
- FarWest provided a booth to promote recycling at the following conferences: Washington State Horticulture Association; FarWest Winter Conference; Pacific Northwest Direct Seed Conference; Spokane Ag. Expo.
- FarWest also set up the booth at the following grower meetings: Wilbur-Ellis, Yakima; GS Long, Yakima; Bleyhl Farm Service, Yakima; and Quincy Farm Chemicals/The McGregor Co., Quincy.
- FarWest set up a booth and provided a presentation at Chamberlin Distributing Wenatchee and the Walla Walla Soil Conservation District, Walla Walla.
- Based on the attendance at these conferences and meetings, this promotional effort directly contacted between 11,792 to 12,592 users.
- The 2008 total for collected plastic by NW Ag Plastics was 575,000 pounds, over 125,000 pounds more than 2007.
- This spring, radio promotional spots will continue with NW Information Network promoting recycling statewide and with spots in Yakima County to promote the permanent collection containers located at the two Yakima County Landfills. We've learned that the radio spots have triggered an increase of use at the Yakima sites even before the Grandview discovery.
- Ecology is currently collaborating with FarWest, NW Ag Plastics, the Washington State Department of Agriculture, the Ag Container Recycling Council (ACRC) and Washington State University to produce an updated training video for proper container rinsing. The video will also cover the benefits of recycling, how to triple or pressure rinse, where to recycle and what products are made from recycled plastics. The training video will be available to either download from the Internet or on a DVD; all available in both Spanish or English voice-overs. It will be available by June 30th.
- FarWest has again placed a poster with a map showing NW Ag Plastic's collection sites and the scheduled collection dates on their webpage that the general public can download, their webpage also has the rinsing requirements. They have mailed hardcopies of each to their members.
- Ecology is hoping to contract with NW Ag Plastics (NWAP) to procure, locate and maintain eight permanent collection containers. Locations haven't been finalized yet. The work will be completed by June 30, 2009, if the contract is finalized.
- The ACRC membership has increased and thus has offered to pay for NWAP services above the contracted collection amounts for Washington, Oregon, and Idaho. Due to the increased membership, ACRC is more solvent than three years ago.
- The Federal proposed rule for mandatory container recycling may come out of hibernation this summer or fall for public comment.

- After June 30th, 09 State Toxics money will no longer be available – Brian thinks it has been a great use of state money, a real success!

**Agency Updates – Dave Heimer, Department of Fish & Wildlife (F&W):**

No update.

**Agency Updates – Tito Rodriguez for Cynthia Lopez, Department of Health (DOH):**

Tito announced the Pesticide Incident Reporting and Tracking (PIRT) meeting was being held tonight at 6:00 in Granger, and provided meeting agendas to those who wanted them.

**Agency Updates - Bob Arrington, Department of Agriculture:**

**Legislative/Budget Update**

The Governor's proposed reduction to Agriculture's General Fund is 3.8 million, the Senate's original budget reduced the Ag General Fund by 1.4 million, and the House's original reduction was 5.3 million. The House and Senate finally agreed on a four million dollar General Fund Reduction for Agriculture. The final reduction amount won't be determined until there's budget resolution.

Pesticide Management Division will lose \$614,000 in General Fund. All those expenditures will be covered by non-appropriated funds. Our core activities will continue through the biennium. Thanks to all for supporting our fee increase last season.

**Possible Pesticide Advisory Board (PAB) Elimination**

Bob speculates nothing will happen with the boards and commissions elimination bill. There is too much to deal with because of the volume. There will probably be no movement on the bill this year but possibly in the future. Bob feels the Pesticide Advisory Board and the Pesticide Incident Reporting and Tracking (PIRT) panel will survive this year, but it will all be tied to the budget finalization. April 26 is the last day of the current legislative session.

**Minutes Approval by E-mail**

Bob reported because the PAB is subject to the Open Public Meetings Act, minutes may not be approved via e-mail. E-mail response is considered individual opinion. Approval must be achieved during meetings.

**Options – Chairman Larry Treleven:**

Larry and Bob looked at possibilities in the event the PAB was eliminated by the Legislature. They also discussed ways to save money. Options included:

- Meeting as an independent, unofficial group
- Reducing frequency of board meetings
- Meet in state facilities (no charge for room)
- Consider what we want to accomplish
- Consider buying our own lunches

Group suggestions, questions and comments included:

- Input from the board is valuable. The Washington State Department of Agriculture (WSDA) will try to have a forum for these issues if the board is eliminated.

- There probably wasn't much thought given to eliminating the boards. It happened so quickly WSDA wasn't asked for much input.
- Was there any proactive attempt to provide information to the Legislature? Meeting minutes and board costs, approximately \$1600 to \$2000 per year, were forwarded to the Legislature.
- FarWest supports the PAB. They discussed this issue with lobbyists. They don't want the dollars to come from business. They are in favor of meeting quarterly.
- It appears a committee is being put into place to rank committees and boards.
- Ad hoc committees could solve problems. It's important that this board stays.
- Recommend reducing scheduled meetings to two per year with the option of calling more if necessary.

#### **6<sup>th</sup> Circuit Court of Appeals Decision – Ann Wick, Department of Agriculture:**

In 2007 the Environmental Protection Agency made a determination that pesticides applied to water are not considered pollutants as they are being used according to their intended function, so a National Pollutant Discharge Elimination System (NPDES) permit would not be required. Washington State, however, had in place a permit similar to an NPDES for pesticides applied to water so this decision did not significantly impact pesticide applications in this state. Nationally, environmental groups and the cotton industry felt EPA overstepped their authority and contested the determination. The petition went to three judges in the 6<sup>th</sup> Circuit Court, who reversed the EPA ruling and required that NPDES permits should be obtained. The court determined that chemical pesticides are not pollutants while they are actively removing pests, however, the following categories would be considered pollutants:

- Biological pesticides
- Pesticide residues remaining after the pest is eliminated
- Pesticide drift
- Pesticide runoff

EPA had two options; they could request a retrial or put off implementation. EPA has requested a two-year stay of implementation, and are intending to issue permits in categories; permits for pesticides applied to water, and permits for pesticides that may drift to water when applied. Industry may file an appeal on the court decision and ask for a rehearing on the decision. This request for a rehearing would go to the entire 6<sup>th</sup> Circuit Court of Appeals and a decision on this is pending.

#### **MITC Update – Ann Wick, Department of Agriculture:**

Ann announced a report written by Carol Dansereau of the Farmworker Pesticide Project is available at [www.fwpp.org](http://www.fwpp.org). Ms. Dansereau's concerns appear to be levels of MITC exceed levels of concern in areas over occasions in Washington. Citing our letter to EPA on fumigants she believes WSDA has enforcement problems. She would like to see WSDA rules on fumigants strengthened and enforced, as well as more air monitoring done.

#### **Program Updates – Ann Wick, Administration:**

##### **Worker Protection Standard Rules**

Ann is currently working on adopting federal Worker Protection Standard rules on glove liners. We plan to file an expedited adoption of the rules so no hearing will be necessary. EPA is

redoing all of the federal Worker Protection Standard rules, and it is estimated EPA language will be out for comment in 2012. EPA will deal with the enclosed cabs issue within that rule amendment so WSDA will see where EPA goes with the federal enclosed cab rules before we deal with them.

### **Commercial Vineyard Definition**

WSDA is working with wine grape growers to determine the definition of "commercial vineyard."

### **Program Updates – Cliff Weed, Compliance:**

#### **Enclosed Cabs**

In early 2009 it came to our attention that when applying diazinon with motorized equipment (airblast sprayers) labels require enclosed cabs that meet the definition in the Worker Protection Standards be used for apricots and cherries. Apples and lettuce allow exceptions. Personal protective equipment can be worn in lieu of using an enclosed cab. Applications of endosulfan require enclosed cabs as well. Although the enclosed cab requirements have been on labels since 2007, Washington is not prepared for them. This requirement could be devastating to many growers.

#### **Phenoxy Herbicide Rules**

Cliff continues to work on the nozzle requirements for phenoxy herbicide use rules. Our language is currently at Order Typing Service. The next step is to brief our Deputy Director. Following the briefing we can file the CR102, and then go to public hearing on the rule changes. We have a high level of support from affected industry.

### **Program Updates – Margaret Tucker, Certification and Training (C&T):**

#### **Licensing**

Our 2009 renewals are finished. We are currently working on process improvements with the focus on exploring on-line renewals. The first step is to determine what other agencies are doing and determine if we can partner with them on the payment application. This is the hardest piece for a small agency like WSDA to do.

#### **Recertification**

Recertification staff is working to streamline the recertification request process on-line. We are considering an on-line application process for sponsors.

### **Program Updates – Ted Maxwell, Registration Services:**

Our registered products are still about 5% down. Ted expects this to continue through next year because of the two-year renewal cycle. There are several companies currently in bankruptcy in the cycle that ends this year.

So far about 10% of 11,700 registered products available electronically. These labels are available on Purdue's National Pesticide Information Retrieval System (NPIRS) website.

Staff are running into a higher than usual number of label problems. The diazinon and endosulfan problems Cliff mentioned are examples, and we expect to see more of that.

We are seeing Section 18s, Experimental Use Permits and Special Local Need Permits at about the same level as last year; however they are down from five years ago.

**Other Business/Public Comment:**

None.

**Next Meeting:**

The next meeting is scheduled for June 24, 2009 in Yakima. Per today's discussion, Chairman Treleven will decide if we go ahead with the June meeting or not, and notify the board of his decision by e-mail.

**Adjourn:**

Chairman Treleven adjourned the meeting at 1:37 pm.